

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

MONDAY, THE 9TH DAY OF MARCH 2015/18TH PHALGUNA, 1936

WP(C).No. 14258 of 2010 (F)

PETITIONER(S):

1. VINOD MATHEW, AGED 30 YEARS,
S/O.MATHEW, MADATHIL VADAKKETHIL, ERUMATHOOR
MANNAR, MAVELIKKARA.
2. SUSAN CHERIAN,
AGED 33 YEARS, W/O.CHERIAN, PANACKAL KIZHAKKETHIL
KUTTEMPEROOR P.O., MANNAR.
3. CHERIAN THOMAS,
AGED 39 YEARS, S/O.THOMAS, PANACKAL KIZHAKKETHIL
KUTTEMPEROOR P.O., MANNAR.
4. SOMARAJAN, AGED 45 YEARS,
S/O.AMBROSE, SURESH BHAVAN, THAZHAKKARA P.O.
MAVELIKKARA.

BY ADV. SRI.T.M.ABDUL LATHEEF

RESPONDENT(S):

1. THE DISTRICT COLLECTOR,
ALAPPUZHA.
2. REVENUE DIVISIONAL OFFICER,
CHENGANNUR.
3. THE SUB INSPECTOR OF POLICE,
KURATHIKADU.

BY SENIOR GOVERNMENT PLEADER SRI.M.MUHAMMED SHAFI

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 09-03-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

PJ

APPENDIX

PETITIONERS' EXHIBITS

- P1: COPY OF THE REGISTRATION CERTIFICATE OF THE VEHICLE OF THE 1ST PETITION**
- P2: COPY OF THE REGISTRATION CERTIFICATE OF THE VEHICLE OF THE 2ND PETITION**
- P3: COPY OF THE REGISTRATION CERTIFICATE OF THE VEHICLE OF THE 2ND PETITION**
- P4: COPY OF THE REGISTRATION CERTIFICATE OF THE VEHICLE OF THE 2ND PETITION**
- P5: COPY OF THE MAHAZAR 22/4/10 PREPARED BY THE R3**
- P6: COPY OF THE PROCEEDINGS NO.C2-20934/10 DATED 22/5/10 OF THE R1**
- P7: COPY OF THE ORDER NO.C2-17948/2010 DATED 22/4/10 OF THE R1**
- P8: COPY OF THE FIR.**

IN IA.6397/2010

- P7: COPY OF THE LETTER NO.C2-20934/10 DATED 30/4/10 OF THE R1**
- P8: COPY OF THE ORDER NO.C2-17948/2010 DATED 22/4/10 OF THE R1.**

IN IA.6655/2010

- P7: COPY OF THE PROCEEDINGS NO.C2-20934/10 DATED 22/5/10 OF THE R1**
- P8: COPY OF THE ORDER NO.C2-17948/10 DATED 22/4/10 OF THE R1**
- P9: COPY OF MAHAZAR.**

RESPONDENTS' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

P.R.RAMACHANDRA MENON, J.

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Dated this the 9th day of March, 2015

JUDGMENT

The petitioners approached this Court with the following prayers:

- "i. To call for the records relating to Exts.P1 to P5 and to issue a writ of certiorari quashing all proceedings in connection with Ext.P5 mahazar*
- ii. To issue a writ of mandamus declaring that taking the vehicles of the petitioners bearing registration Nos.KL-05-W-803, No.KL-30-2700, No.KL-30A-3783 and No.KL-04-U-9169 under custody is illegal, unjust and opposed to law and to direct the respondents to release the vehicles of the petitioners forthwith.*
- iii. Any other appropriate writ, order or direction also may be granted to meet out justice under the circumstances of the above case.*
- iv. To issue a writ of certiorari quashing Ext.P6 proceeding."*

2. When the matter came up for consideration before this Court on 3.6.2010, the following interim order was passed.

"The petitioners press for an interim order in respect of Ext.P6 order. Ext.P6 order is admittedly under the Kerala Conservation of Paddy Land and Wet

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Land Act. The Act itself provides for appeal against that order before the District Court which is also a judicial authority and nothing prevents the petitioners from raising the very same contentions and seeking interim relief before the District Court itself. Therefore, I am not inclined to grant an interim order in respect of Ext.P6.

Accordingly the interim prayer is declined.”

3. Heard the learned counsel appearing for the petitioners as well as the learned Government Pleader appearing for the respondents.

4. After going through the materials on record and also after considering the interim order passed by this Court, it is seen that nothing further survives to be considered in this writ petition and no interference does require to be made with regard to the relief sought for.

If the proceedings are still pending, it shall be taken to the logical conclusion in accordance with the relevant provisions of law which includes the prosecution proceedings as well, unless the offence is sought to be compounded by virtue of the enabling provisions of law. If they are willing to pursue such a course, this Court finds it fit and proper to direct the third respondent to

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compound the offence, if the petitioners satisfy a sum of ₹ **25,000/-**. It is ordered accordingly. It is made clear that once the offence alleged against the petitioners is compounded, no prosecution proceedings shall be pursued against them.

Sd/-
P.R.RAMACHANDRA MENON,
JUDGE.

rkc.